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REMARKS

No claims are amended by hereby. No claims are canceled or added. Accordingly, claims 49-75 remain pending.

Since the Applicant does not present any changes to the claims, the Applicant respectfully requests that the Examiner consider the following remarks in connection with claims 49-75. The Applicant respectfully submits that claims 49-75 are patentable over the references cited by the Examiner and, therefore, respectfully request that the Examiner withdraw the rejections asserted against claims 49-75. Allowance of claims 49-75 is respectfully requested.

In the Office Action, the Examiner rejected claims 49-51, 57-60, 66-69, and 75 under 35 U.S.C. § 102(e) as anticipated by Luke et al. (U.S. Patent No. 6,081,253). Claims 52-56, 61-65, and 70-74 were rejected under 35 U.S.C. § 103(a) as unpatentable over Luke et al. in view of Nomura et al. (U.S. Patent No. 5,877,772). The Applicant respectfully disagrees with both of these rejections and, therefore, respectfully traverses same.

The Applicant respectfully submits that claims 49-51, 57-60, 66-69, and 75 are patentable over Luke et al. because the claims recite features not described by Luke et al. Specifically, claims 49-51, 57-60, 66-69, and 75 recite a method of operating on data, a system for operating on data, and a computer-readable memory medium encoded with program data representing a computer program that can cause a computer to implement a method of operating on data, each of which include, among other features, providing at least one user-defined group rule for grouping numerical data into a user-definable number of groups. Contrary to the Examiner's assertion, Luke et al. does not describe this feature, among others, and cannot anticipate claims 49-51, 57-60, 66-69, and 75.

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Luke et al. describes a method for generating numerous color palettes from two colors. In particular, Luke et al. describes a method that creates numerous planes within a uniform three dimensional (3D) space after the selection of two points (*i.e.*, two colors) in that 3D space. (Luke et al. at col. 1., lines 20-21.) After two points in the 3D space are selected by the user, Luke et al. generates a large number of two-dimensional planes to form the 3D space. (Luke et al. at col. 1, lines 23-29.) The 3D space presents planes of color palettes, which are defined by the selection of the two colors by the user. (Luke et al. at col. 1, lines 37-44.)

There are a number of ways that the two colors may be selected by the user: (1) by entering the OSA-UCS color notations for the two colors into the program, (2) by sampling specific colors (*i.e.*, by a spectrophotometer) and subsequently entering the colors into the program, (3) by selecting or “picking” the colors using color selection software, among others listed. (Luke et al. at col. 8, lines 21-64.) Once the two colors are entered, the program generates palettes representing 40 to 200 different groups of colors. (Luke et al. at col. 8, line 65, to col. 9, line 2.) Each of these planes, or palettes, include the two colors selected by the user and also includes unique colors that harmonize with the two selected colors. (Luke et al. at col. 9, lines 2-5.) The individual colors are arranged in patterns representing the placement of colors on one of three types of charts, *i.e.*, a “j Chart,” a “g Chart,” and a “L Chart,” each of which depend on the formula used to generate that plane. (Luke et al. at col. 9, lines 6-9.) The L, j, and g notations represent the lightness or darkness of a color, the amount of yellowness or blueness of a color, or the amount of redness or greenness of a color. (Luke et al. at col. 9, lines 27-39.) The remainder of Luke et al. describes the manipulation of the j, g, and L variables to generate the palettes.

In the Office Action, the Examiner states that Luke et al. describes a method where at least one user-defined grouping rule is provided for grouping numerical data into a user-

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definable number of groups. The Examiner asserts that the selection of colors 1 and 2 is the provision of at least one user-defined grouping rule. The Applicant respectfully disagrees with this characterization of Luke et al. As discussed by Luke et al., the user selects two colors. The two colors do not represent groupings of numerical data nor do they represent user-definable numbers of groups. The selection of two colors is merely the selection of two discrete points that are used by Luke et al. to generate the color palettes including those two colors and other colors that harmonize with the two colors selected.

Since the selection of two colors by the user in Luke et al. does not provide at least one user-defined grouping rule for grouping numerical data into a user-definable number of groups, it stands to reason that Luke et al. does not describe a method where at least one of the grouping rules is applied to the numerical data. Simply, Luke et al. does not describe a method where at least one user-defined grouping rule is provided. The selection of two colors (*i.e.*, two discrete points) which are subsequently subjected to further processing to produce a plurality of color palettes cannot be equated with the features recited by any of claims 49-51, 57-60, 66-69, and 75.

Next, the Applicant respectfully disagrees with the Examiner's characterization that colors 1 and 2 in Luke et al. are breakpoints corresponding to a number of colors for each range defined by the breakpoint. To the contrary, colors 1 and 2 are discrete, individual colors. They do not represent a range of colors nor do they represent breakpoints, as recited by claims 49-51, 57-60, 66-69, and 75. As discussed by Luke et al., the selection of two discrete points permits the generation of the color palettes that form a 3D color object.

Since Luke et al. does not describe many of the features recited by claims 49-51, 57-60, 66-69, and 75, it does not describe each and every element of the claims and cannot

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anticipate the claims. As a result, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 102(e).

The Applicant respectfully submits that Nomura et al. does not correct the deficiencies noted above with respect to Luke et al. As a result, the Applicant respectfully traverses the rejection of claims 52-56, 61-65, and 70-74 under 35 U.S.C. § 103(a) and respectfully requests that the Examiner withdraw the rejection.

Nomura et al. describes a graphic processing apparatus that allows the user to specify the appearance of an image by automatically expressing differences in color and hatching attributes. In particular, Nomura et al. is a graphic processor that automatically selects colors and hatching to fill regions or areas in a graphic so that the colors selected present a high-quality color picture. (Nomura et al. at col. 1, lines 18-36, and col. 2, lines 22-34.) Specifically, as illustrated in Figures 3, 4, 8, and 9, the graphic processing apparatus of Nomura et al. identifies target areas requiring color and hatching attributes and automatically selects colors to fill those regions based, at least in part, on the size of the regions. (Nomura et al. at col. 13, line 61, to col. 15, line 67.)

Nomura et al. does not describe, among other features, a method where at least one user-defined grouping rule for grouping numerical data into user-definable numbers of groups, where at least one of the grouping rules are applied to the numerical data, or where the at least one grouping rule defines at least one breakpoint. Accordingly, Nomura et al. cannot be combined properly with Luke et al. to render obvious claims 52-56, 61-65, and 70-74. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

Each of the rejections asserted by the Examiner having been addressed, the Applicant respectfully submits that claims 49-75 are patentable over the references cited by the

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Examiner. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejections asserted against claims 49-75 and pass this application quickly to issue.

If the Examiner believes a telephone conference would be helpful, she is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

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